

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26240

IN THE SUPREME COURT OF THE STATE OF HAWAII

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DIPLOMAT TOURS AND TRAVEL INC., Plaintiff-Appellee

vs.

TRINIDAD M. SANGA, Defendant-Appellant

and

DELIA ENCARNACION ALUPAY dba PHIL USA TRAVEL & SERVICES,  
Defendants

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(CIV. NO. 1RC03-1-3441)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that Civil No. 1RC03-1-3441 has not been finally decided inasmuch as judgment has not been entered on the claim against defendant Delia Alupay. The September 24, 2003 judgment against defendant-appellant Trinidad Sanga was not certified as a final judgment pursuant to DCRCP 54(b). Thus, the appeal of the September 24, 2003 judgment and the October 30, 2003 order denying reconsideration of the judgment is premature and we lack jurisdiction. See HRS § 641-1(a); DCRCP 54(b). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, March 2, 2004.